

Appl. No. 10/706,483

Amdt. Dated 4/26/2005

Response to Office action dated 03/16/2005

REMARKS

Claims 1-37, 42, 43, 45-50, 55, 56, 58 and 61-71 are pending. No new matter has been added. Claims 1-32, 42, 43, 45, 55, 56, 58 and 61-71 were allowed.

Disclaimers Relating to Claim Interpretation and Prosecution History Estoppel

Claims 33 and 46 have been amended notwithstanding the belief that these claims were allowable. Except as specifically admitted below, no claim elements have been narrowed. Rather, cosmetic amendments have been made to the claims and to broaden them in view of the cited art. Claims 33 and 46 have been amended solely for the purpose of expediting the patent application process, and the amendments were not necessary for patentability.

Any reference herein to "the invention" is intended to refer to the specific claim or claims being addressed herein. The claims of this Application are intended to stand on their own and are not to be read in light of the prosecution history of any related or unrelated patent or patent application. Furthermore, no arguments in any prosecution history relate to any claim in this Application, except for arguments specifically directed to the claim.

Telephone Interview April 5, 2005

With regard to claims 33 and 46, the Practitioner explained that Kurtz's upper compartment 12 includes a plurality of openings 28 for heat dissipation. Moreover, Kurtz's upper compartment houses the ballast. Therefore, Kurtz's ballast (power supply) is not protected from environmental conditions. The Examiner stated that claims 33 and 46 recite protection only to the electrical interface.

The Practitioner agreed to amend claims 33 and 46 to recite protection to the power supply (supported by the Specification at 8:30-34).

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Claim Rejections - 35 USC § 103

The Examiner rejected claims 33-37 and 46-50 under 35 USC § 103 as obvious from Kurtz et al. (USP 5,660,719) in view of Block (*Disinfection, Sterilization, and Preservation*, 4th edition). This rejection is respectfully traversed.

Claims 33 and 46 are independent. Claim 33 recites, among other features, “a cover adapted to protect the electrical interface and the power supply from an environmental condition selected from the group comprising falling dirt, rain, sleet, snow, windblown dust, formation of ice, splashing water, hose directed water, and environmental corrosion.”

The Examiner asserted that Kurtz discloses a “cover adapted to ruggedize the electrical interface comprising a stainless steel exterior surface. Moreover, it is disclosed that the fixture is sealed to be ‘water resistant’ as defined by NEMA Standard 250.” However, Kurtz discloses that only the bottom compartment is made water resistant (See Kurtz, 5:48-51, 6:9-12, 6:59-7:6). Kurtz, at 5:3-4, discloses that a plurality of ballasts are disposed within the top compartment. Kurtz, at 5:11-18, discloses:

[d]ue to the amount of heat given off by the ballasts during the operation of UV lamps 20, a plurality of openings 28 are incorporated into one side 25 of compartment 12 overlaid by a shroud 30 that is open on one side. The opposite side of compartment 12 has similar openings 27 (see FIG. 3) which are also covered by a shroud 31 interfacing a fan 29 for drawing ambient air into the bottom of the compartment 12 interior.

Because Kurtz’s top compartment includes openings for air cooling, it necessarily follows that Kurtz’s ballast cannot be protected from the environmental condition. Since Kurtz does not teach or suggest the claimed features, the rejection should be withdrawn.

To the extent that claim 46 features similar to claim 33, the arguments set forth for claim 33 are applicable to claim 46. Therefore, claim 46 is in form for allowance. It is respectfully requested that the rejection be withdrawn.

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By virtue of their respective dependence on claim 33 and 46, claims 34-37 and 47-50 are patentable for the same reasons as claim 33 and 46.

Conclusion

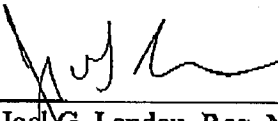
It is submitted, however, that the independent and dependent claims include other significant and substantial recitations which are not disclosed in the cited references. Thus, the claims are also patentable for additional reasons. However, for economy the additional grounds for patentability are not set forth here.

In view of all of the above, it is respectfully submitted that the present application is now in condition for allowance. Reconsideration and reexamination are respectfully requested and allowance at an early date is solicited.

The Examiner is invited to call the undersigned attorney to answer any questions or to discuss steps necessary for placing the application in condition for allowance.

Respectfully submitted,

Date: April 26, 2005



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